IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Bail Appl..No. 2752 of 2007()

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CRIME NO.91/07 OF KUMBLA POLICE STATION

: PETITIONERS/ACCUSED

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1. AITHA, S/O. KORAGGA,
   MEMBER OF MANGALPADY GRAMA PANCHAYAT,
   KASARAGOD DISTRICT.

2. KRISHNAPPA, S/O. CHENNAPPA,
   AGED 28 YEARS, PARAPPU HOUSE, KUDALMERKALA POST
   AND VILLAGE, KASARAGOD TALUK.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS: STATE

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. STATION HOUSE OFFICER,
   KUMBLA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**V. RAMKUMAR, J.**

**B.A. No. 2752 OF 2007**

**Dated this the 31st day of May, 2007**

**O R D E R**

Petitioners, who are accused Nos.1 and 2 in Crime No.91/07 of Kumbla Police Station for offences punishable under Secs.452 and 326 read with sec.34 I.P.C., seek anticipatory bail. The occurrence took place on 11.4.07.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioners to surrender before the Investigating Officer for the purpose of interrogation and then to have their application for bail considered by the Magistrate having jurisdiction. Accordingly, the petitioners shall surrender before the investigating officer on any day between 06-06-2007 and 08-06-2007 for the purpose of interrogation and recovery of incriminating material, if any. The petitioners shall, thereafter, be produced on the same day before the Magistrate, who shall release the 1st petitioner on bail on appropriate conditions and consider the 2nd petitioner's application for regular bail, preferably on the same date on which such application is filed.

This petition is disposed of as above.

**(V. RAMKUMAR, JUDGE)**

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